

Michigan Supreme Court Legislative Update

Contact:

Mike Gadola
373-0128

Anne Vrooman

HBs 4090, 4551-4553, 4798

Summary:

Courts; juries; juror compensation; increase.

Sponsor:

HB 4090 - Switalski; HB 4551 - Newell;
HB 4552 - Daniels; HB 4553 - Richner;
HB 4798 - Richner

Introduction Date:

HB 4090 – 01/31/01
HB 4551-53 – 4/17/01
HB 4798 - 5/22/01

Current Status:

HBs 4090, 4551, 4553, 4798 - 10/18/01 passed
House; referred to Senate Committee on
Judiciary
HB 4552 - 10/18/01 passed House; 11/8/01
referred to Committee on Judiciary

Comments:

The bills would increase juror compensation for the second or subsequent day of actual attendance from \$7.50 to \$20 per half day and from \$15 to \$40 per full day. The bills would finance this increase through creation of a state-level juror compensation reimbursement fund to reimburse local units for the increased juror costs. The funding source would consist of an increase from \$25 to \$50 in the drivers' license clearance fee, an increase in the circuit court jury demand fee from \$60 to \$85, and an increase in the district court jury demand fee from \$40 to \$50. The bills have passed the House and are now pending in the Senate Judiciary Committee.

HB 4140

Summary:

Courts; other; cyber court; create.

Sponsor:

Shulman

Introduction Date:

02/06/01

Current Status:

HB 4140 (2001 PA 262)

Comments:

The bill passed both the House and Senate without opposition. The bill passed the Senate on the last day of session for 2001. The enrolled bill was presented to the Governor on 12/26/01. Signed by the Governor on 1/9/02.

HB 4675 & SB 526

Summary:

Retirement; judges; rate of retirement allowance; revise.

Sponsor:

HB 4675 - Allen; SB 526 - North

Introduction Date:

HB 4675 – 4/26/01
SB 526 – 6/6/01

Current Status:

HB 4675 - 12/12/01 passed House - Referred to
Senate Committee on Judiciary
SB 526 - Referred to Senate Comm. on Judiciary

Comments:

The bills provide a one-time increase in retirement benefits for judges who retired between 1980 and 1998. The Allen bill (HB 4675) passed the House and was referred to the Senate Judiciary Committee.

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HBs 4855, 5273, 5275-
5276, 5281, 5299, 5300,
5303-5304; SBs 721-723,
725, 729, 735-736, 753-
754, 757-758

Summary:

Domestic violence package.

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Sponsor:

HB 4855 - Richner
HB 5273 - Toy
HB 5275 - Faunce
HB 5276 - Richardville
HB 5281 - Hummel
HB 5299 - Bovin
HB 5300, SBs 723, 753, 758 - Johnson
HB 5303 - Mortimer
HB 5304 - Kooiman
SB 721 - Garcia
SB 722 - Goschka
SB 725 - Sikkema
SBs 729, 754, 757 - Hammerstrom
SB 736 - Scott
SB 735 - Bullard

Introduction Date:

10/17/01 and 10/18/01

Current Status:

HB 4855 (2001 PA 195); HB 5273 (2001 PA 196)
HB 5275 (2001 PA 197); HB 5276 (2001 PA 198)
HB 5281 (2001 PA 189); HB 5299 (2001 PA 200)
HB 5300 (2001 PA 201); HB 5303 (2001 PA 202)
HB 5304 (2001 PA 194); SB 721 (2001 PA 203)
SB 722 (2001 PA 204); SB 723 (2001 PA 190)
SB 725 (2001 PA 205); SB 729 (2001 PA 206)
SB 735 (2001 PA 208); SB 736 (2001 PA 193)
SB 753 (2001 PA 209); SB 754 (2001 PA 210)
SB 757 (2001 PA 211); SB 758 (2001 PA 212)

Comments:

The package makes changes in many areas. Several of the new public acts concern personal protection orders, addressing elements of their issuance, of their service, of an individual's arrest upon an alleged violation, and of court reporting upon disposition. Several other bills aim to ensure that protection orders issued in other states enjoy full faith and credit in Michigan. Other changes include requiring that friends of the court receive training on the dynamics of domestic violence, providing for the creation of local domestic violence death review teams, and expanding the definition of domestic relationship to include a current or former dating relationship. Additional issues the package addresses concern the sealing of court records, law enforcement reporting of domestic-violence-related crimes, and the issuance of interim bond to persons held for domestic assault.

HB 5112

Summary:

Provides judges retirement benefit protection in Judges Retirement Act

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<p>Sponsor: Lipsey</p> <p>Introduction Date: 10/02/01</p> <p>Current Status: HB 5112 (2002 PA 95)</p>	<p>Comments: Under the S-2 version approved by the Senate on 3/13/02, judges meeting certain criteria would have been allowed to take an early retirement with an enhanced pension. The enhancement would have allowed retirees to receive up to a maximum of 80% of their final average compensation compared with the current maximum of 60%. When this version failed to receive immediate effect in the Senate, the Senate stripped out the early retirement language and approved the bill, with the House later concurring.</p> <p>Signed by the Governor 4/9/02.</p>
HB 5151	<p>Summary: Limits bond issued to stay execution of a judgment while an appeal or review is pending to \$25 million.</p> <p>Comments: The committee unanimously reported the bill to the full House on February 5, 2002. Under the H-3 substitute approved by the committee, the \$25 million cap would be adjusted annually for inflation. Passed the House on February 14, 2002 and referred to Senate Committee on Judiciary February 19, 2002.</p> <p>Signed by the Governor 5/14/02.</p>
HB 5270 & SB 730	<p>Summary: Search warrant affidavits; revise procedures.</p>

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<p>Sponsor: HB 5270 - Caul SB 730 - Johnson</p> <p>Introduction Date: HB 5270 - 10/17/01 SB 730 - 10/17/01</p> <p>Current Status: HB 5270 (2002 PA 128) SB 730 (2002 PA 112)</p>	<p>Comments: This legislation restricts access to search warrants. 2002 PA 128 makes all search warrants, affidavits and tabulations in any court file or record retention system non-public. 2002 PA 112 provides for suppression of a search warrant affidavit upon a showing that it is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness. 2002 PA 112 also provides that an officer executing a search is not required to give a copy of the affidavit to the person or leave a copy at the place from which property was taken.</p> <p>Bills signed by the Governor on 3/29/02.</p>
<p>HB 5496</p> <p>Sponsor: Newell</p> <p>Introduction Date: 12/12/01</p> <p>Current Status: HB 5496 (2002 PA 132)</p>	<p>Summary: Revises powers and duties in Emergency Management Act.</p> <p>Comments: The bill revises the Emergency Management Act in response to the events of September 11, 2001. The bill integrates the judiciary into the state's emergency management planning and response procedures and requires that local courts be included in emergency operations plans developed at the local level.</p> <p>Bill signed by the Governor 4/9/02.</p>
<p>HB 5585</p>	<p>Summary: Revises judgment interest applicable to a written instrument evidencing indebtedness that bears an interest rate to make application of recent change prospective and provides mechanism for fixing rate when instrument bears a variable interest rate.</p>

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<p>Sponsor: Richner</p> <p>Introduction Date: 02/05/02</p> <p>Current Status: HB 5585 (2002 PA 77)</p>	<p>Comments: Corrects technical flaws in EHB 4448 (2001 PA 175), which provides changes in the calculation of pre-judgment interest applicable to a written instrument evidencing indebtedness. HB 5585 would delay the July 1, 2001, effective date contained in EHB 4448 until July 1, 2002, thereby making the changes in PA 175 prospective. HB 5585 also provides that where a variable interest rate is contained in a written instrument, judgment interest would be fixed at the rate in effect under that instrument at the time the complaint is filed. The bill would also eliminate the distinction between pre-judgment and post-judgment interest when the judgment is rendered on a written instrument evidencing indebtedness with a specified interest rate. Both the pre- and post-judgment rate would be the rate specified in the instrument (or the rate applicable at the time of filing of the complaint under a variable rate agreement), with a cap of 13%.</p> <p>Bill signed by the Governor on 3/21/02.</p>
<p>HB 5674</p> <p>Sponsor: SB 5674 - Bradstreet</p> <p>Introduction Date: 2/14/02</p> <p>Current Status: HB 5674 (2002 PA 92)</p>	<p>Summary: Redraws judicial boundaries in northern Michigan.</p> <p>Comments: The House-passed version of the bill combined the jurisdiction of the part-time probate court in Crawford County with the jurisdiction of the district court, and created stand-alone district courts in Roscommon and Crawford counties. The Senate-passed version of the bill, which the House concurred in, reconfigures boundaries for courts in northern Michigan in an effort to make them coterminous.</p> <p>Signed by the Governor 4/9/02.</p>
<p>HBs 6004 -6011, 6020</p>	<p>Summary: Friend of the Court reform.</p>

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Sponsor:

HB 6004 - Howell
HB 6005 - Bisbee
HB 6006 - Koetje
HB 6007 - Raczkowski
HB 6008 - Hart
HB 6009 - Vander Veen
HB 6010 - Jansen
HB 6011 - Toy
HB 6020 - Voorhees

Introduction Date:

05/07/02

Current Status:

HBs 6004-6007 - referred to Committee on Civil
Law and the Judiciary
HBs 6008-HB 6011; HB 6020 - referred to
Committee on Family and Children Services

Comments:

The bills make changes concerning child support, including:

- *Require Worker's Compensation Bureau to release information to FOC and OCS.
- *Revise the lien statute to create an administrative process for liening and levying bank accounts of payers who are in arrears in support.
- *Allow FOC to redirect or abate support in appropriate circumstances.
- *Remove requirement for an immediate show cause hearing after arrest to clarify purpose of bond and give greater discretion to courts in setting bond.
- *Allow court to require a payer to participate in a work program when the payer is found in contempt, and clarifies conditions under which person may be released from jail for employment.
- *Allow support enforcement activities after one month's arrearage, except that consumer reporting would continue to occur after 2 months arrearage.
- *Allow court to address custody and parenting time as part of a family support act case.
- *Allow OCS to centralize enforcement activities upon agreement of SCAO and FIA, or when arrearages on a case exceeds the amount of support due for one year.
- *Allow qualifying parties to opt out of having their cases investigated and enforced by FOC.
- *Set standards and streamline methods for enforcing medical support.
- *Modify methods used to enforce parenting time to make them consistent.

**HBs 6007, 6011-6019,
6021-6027, 6032-6038**

Summary:

Name change for Friend of the Court.

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Sponsor:

HB 6007 - Raczkowski; HB 6011 - Toy
HB 6012 - Patterson; HB 6013 - DeWeese
HB 6014 - Caul; HB 6015 - Tabor
HB 6016 - Vear; HB 6017 - Allen
HB 6018 - Mead; HB 6019 - Kooiman
HB 6021 -Hummel; HB 6022 - Palmer
HB 6023 - DeRossett; HB 6024 - Lemmons
HB 6025 - Newell; HB 6026 - Johnson
HB 6027 - Vander Roest; HB 6032 - Julian
HB 6033 - George; HB 6034 - Shackleton
HB 6035 - Rocca; HB 6036 - LaSata
HB 6037 - Bradstreet; HB 6038 - Richardville

Introduction Date:

HBs 6007, 6011-6019, 6021-6027,
6032-6038 - 05/07/02
HBs 6032-6038 - 5/8/02

Current Status:

HB 6007 - referred to Committee on Civil Law
and the Judiciary
HBs 6011-6019, 6021-6027, 6032-6038 - referred
to Committee on Family and Children Services

Comments:

The bills would amend various acts to replace Friend of the Court references to Court
Family Services Office, if that entity is renamed under the above package of legislation.
The bills except HB 6007 are tied barred to HB 6011.

SBs 76, 764-766,
786, 825;
HBs 4788 & 5357

Summary:

Judicial Resources Bills.

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Sponsor:

SB 76 - Bullard
SB 764 - Cherry
SB 765 - Bullard
SB 766 - Miller
SB 786 - Steil
SB 825 - Van Regenmorter
HB 4788 - Patterson
HB 5357 - Howell

Introduction Date:

SB 76 - 2/1/00
SBs 764-766 - 10/23/01
SB 786 - 10/24/01
SB 825 - 11/27/01
HB 4788 - 5/17/01
HB 5357 - 10/29/01

Current Status:

SB 76 (2001 PA 252); SB 764 (2001 PA 253)
SB 765 (2001 PA 254); SB 766 (2001 PA 257)
SB 786 (2001 PA 255); SB 825 (2001 PA 256)
HB 4788 (2001 PA 258); HB 5357 (2001 PA 251)

Comments:

The bills, signed by the Governor on 1/8/02, accomplish the following:

Add 2 judgeships to the 6th (Oakland) Circuit effective 1/1/03.
Add 2 judgeships to the 16th (Macomb) Circuit effective 1/1/03.
Add 1 judgeship to the 7th (Genesee) Circuit effective 1/1/03.
Convert an existing Probate judgeship into a Circuit judgeship in Genesee County effective 1/1/05.
Add 2 judgeships to the 17th (Kent Circuit) effective 1/1/03.
Add 1 judgeship to the 20th (Ottawa) Circuit effective 1/1/05.
Add 1 judgeship to the 21st (Isabella) Circuit effective 1/1/05.
Add 1 judgeship to the 35 District (Plymouth) effective 1/1/03.
Eliminate 1 judgeship in 3rd Circuit effective 1/1/03.
Eliminate 2 judgeships in 3rd Circuit effective 1/1/05.
Eliminate 1 Wayne Probate judgeship by attrition.
Eliminate 1 judgeship in the 31st District (Hamtramck) effective immediately.
Eliminate 1 judgeship in the 30th District (Highland Park) by attrition.
Eliminate 1 judgeship in the 68th District (Flint) by attrition.

SB 417

Sponsor:

Van Regenmorter

Introduction Date:

4/24/01

Current Status:

Senate Judiciary Committee

Summary:

Courts; reorganization; merger of probate and circuit courts; provide for.

Comments:

This is the statutory component of Senator Van Regenmorter's court reorganization proposal.

SB 519

Summary:

Courts; circuit courts; court of claims; revise.

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Mike Gadola
373-0128

Anne Vrooman

<p>Sponsor: Sikkema</p> <p>Introduction Date: 5/30/01</p> <p>Current Status: Senate Judiciary Committee</p>	<p>Comments: This bill, which has not received any consideration in committee, would divide the Court of Claims into 5 districts along the lines of the current COA districts, but with a separate district for the Upper Peninsula. Senator Sikkema introduced a bill in the last session that would have abolished the Court of Claims altogether.</p>
<p>SBs 677 & 808</p>	<p>Summary: Secondary road patrol/jail funding.</p>
<p>Sponsor: SB 677 - Hoffman SB 808 - Koivisto</p> <p>Introduction Date: SB 677 - 9/26/01 SB 808 - 10/31/01</p> <p>Current Status: SB 677 (2001 PA 213) SB 808 (2001 PA 214)</p>	<p>Comments: SB 677 (PA 213) increases the Secondary Road Patrol and Training Fund assessment to \$10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. It also adds a new Jail Reimbursement Program Fund assessment of \$5.00 for each civil infraction determination for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less.</p> <p>SB 808 (PA 214) prohibits the waiver of a civil fine ordered upon a determination that a person is determined responsible or responsible with explanation for a civil infraction pursuant to sections 741 to 750 of the Vehicle Code, unless costs ordered are also waived.</p> <p>Signed by the Governor 12/27/01.</p>
<p>SB 803</p>	<p>Summary: Crimes; electronic surveillance; wiretapping; allow in certain circumstances and prescribe procedures, penalties, and remedies.</p>

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<p>Sponsor: VanRegenmorter</p> <p>Introduction Date: 10/25/01</p> <p>Current Status: 2/6/02 - Passed Senate; Referred to House Committee on Criminal Justice 02/26/02 - referred to second reading with substitute H-1</p>	<p>Comments: The bill would authorize the use of wiretaps in the event that law enforcement meets certain procedural and factual thresholds. Under the Senate-passed version of the bill, the Supreme Court would appoint not less than five Circuit judges in each of the four Court of Appeals districts to exercise jurisdiction over applications for wiretaps.</p>
<p>HJR E</p> <p>Sponsor: Bisbee</p> <p>Introduction Date: 01/31/01</p> <p>Current Status: 12/20/01 Joint Resolution Enrolled; deposited with Secretary of State</p>	<p>Summary: State; employees and officers; adoption of SOCC recommendation for next legislative session; require legislative approval.</p> <p>Comments: The Joint Resolution will place before the voters at the August primary a proposed Constitutional amendment that would require the Legislature to approve SOCC recommendations by majority vote. The Legislature could also reduce and then approve pay increases recommended by the SOCC. The Attorney General and Secretary of State would also be included in the SOCC process.</p>
<p>SJR F</p> <p>Sponsor: Sikkema</p> <p>Introduction Date: 2/02/01</p> <p>Current Status: Senate Government Operations Committee</p>	<p>Summary: Courts; supreme court; gubernatorial appointment of supreme court justices; provide for.</p> <p>Comments: This proposal has not been taken up in committee and there are no known plans to do so.</p>
<p>SJR R</p>	<p>Summary: Courts; reorganization; merger of probate court and circuit court; allow and make related amendments regarding the judicial branch.</p>

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373-0128

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Sponsor:

Van Regenmorter

Introduction Date:

3/29/01

Current Status:

Senate Judiciary Committee

Comments:

This is the constitutional amendment leg of Senator Van Regenmorter's court reorganization proposal, which essentially involves a merger of the probate and circuit courts.

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